

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

## ORDER

On November 12, 2019, the United States Magistrate Judge issued a Report and Recommendation in this matter recommending that the Court grant Defendant Sheriff Todd Gibson’s motion to dismiss (Dkt. 120). Plaintiff Robert James Thomas, proceeding pro se, was advised of his right to object<sup>1</sup> and he objected to the Report and Recommendation.<sup>2</sup> The Court must resolve his objection by “mak[ing] a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”<sup>3</sup> It then “may accept, reject or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.”<sup>4</sup>

Upon a de novo review of the record, the Court concurs with the Magistrate Judge's findings. As the Magistrate Judge found, Plaintiff's claims against the Sheriff are

<sup>1</sup> See Report & Recommendation (Dkt. 131) at 3.

<sup>2</sup> See Pl.'s Obj. to Magistrate's Report & Recommendation (Dkt. 134).

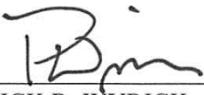
<sup>3</sup> 28 U.S.C. § 636(b)(1); *see* Fed. R. Civ. P. 72(b)(3).

4 *Id.*

duplicative of his claims against the Cleveland County Board of County Commissioners. Nor will dismissal of the Sheriff inhibit Plaintiff's ability to otherwise conduct discovery and litigate his case.<sup>5</sup>

Accordingly, the Report and Recommendation (Dkt. 131) is **ADOPTED** and Defendant Gibson's motion to dismiss is **GRANTED**. **IT IS FURTHER ORDERED** that the case is again referred to the Magistrate for preliminary review, for conducting any necessary hearings, including evidentiary hearings, for the entry of appropriate orders as to non-dispositive matters, and for the preparation and submission to the undersigned judge of proposed findings of fact and recommendations as to dispositive matters referenced in 28 U.S.C. § 636(b)(1)(B) and (C).

**IT IS SO ORDERED this 3rd day of December, 2019.**



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PATRICK R. WYRICK  
UNITED STATES DISTRICT JUDGE

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<sup>5</sup> See Pl.'s Obj. to Magistrate's Report & Recommendation (Dkt. 134) at 1–3.